



महाराष्ट्र शासन राजपत्र

भाग चार-क

वर्ष १, अंक २३]

गुरुवार ते बुधवार, सप्टेंबर १७-२३, २०१५/भाद्र २६-आश्विन १, शके १९३७

[पृष्ठे ४

[किंमत : रुपये ६.००]

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाव्यतिरिक्त इतर वैधानिक प्राधिकाऱ्यांनी तयार केलेले (भाग एक, एक-अ व एक-ल यांमध्ये प्रसिद्ध केलेले वैधानिक नियम व आदेश यांमधील इतर) वैधानिक नियम व आदेश ; यात भारत सरकार, उच्च न्यायालय, पोलीस आयुक्त, आयुक्त (राज्य उत्पादन शुल्क), जिल्हा दंडाधिकारी व निवडणूक आयोग, निवडणूक न्यायाधिकरण, निवडणूक निर्णय अधिकारी व निवडणूक आयोगाखालील इतर प्राधिकारी यांनी तयार केलेले वैधानिक नियम व आदेश यांचा समावेश होतो.

THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTIFICATION

No. P. 1602/2015.—The Honourable the Chief Justice and Judges of this High Court have been pleased to make the following amendments in the Bombay High Court Appellate Side Rules, 1960.

1. *Short title and commencement.*—(1) These rules shall be called “**Rules for presentation and conduct of proceedings in-person by parties**”

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. *Insert the following as Chapter-IV-A in the “The Bombay High Court Appellate Side Rules, 1960”.*—

Norms for Presentation and Conduct of proceedings in person by parties :—

1. Whenever a party wants to appear and argue the case in person, he/she shall first file an application alongwith the proceedings, seeking permission to appear in person. The application shall indicate reasons as to why he/she cannot engage an Advocate and wants to appear and argue in person, and if he is willing to accept an Advocate, who can be appointed for him by the Court.

2. Such application as filed alongwith the proceedings shall be placed before a Committee of two Officers of the Registry, who are working on deputation from the State Judicial Service, to be nominated by the Honourable the Chief Justice. The Committee shall scrutinise the matter/proceedings filed by Party-in-person so as to ensure that the Party-in-person has complied with the requirements of the Bombay High Court Appellate Side Rules, 1960 and that the party-in-person has not made any objectionable averments/ allegations and has not used unparliamentary language in the

pleadings. The Committee shall interact with the Party-in-person and give opinion by way of Office Report whether Party-in-person will be able to give necessary assistance to the Court for disposal of the matter or an Advocate may be appointed as *Amicus Curiae*.

3. In case a Party, who wishes to defend his matter/proceedings in person as respondent/opponent, the Court may direct such party to appear before the above committee and the above Committee shall ensure and certify that such person is 'Competent' to assist the Court in person.

4. (a) If the certificate is not issued in both the cases mentioned in Rule 2 and 3 above and the party-in-person is lawfully entitled to be referred to the High Court Legal Aid Services Committee in accordance with law, the same will be referred to the Committee for offering legal services to the concerned litigant.

(b) If the concerned litigant is not entitled under law to get assistance of Legal Aid Services Committee, he will be asked to appoint a lawyer to represent his case.

(c) In the event, it is certified that party-in-person is 'competent' to assist the Court in person, the party-in-person shall give an undertaking that he shall maintain decorum of the Court and shall not use or express objectionable and unparliamentary language or behavior during the course of hearing in the Court or in the Court premises or in the further pleadings.

5. If the party-in-person fails to abide by his Undertaking as above, Contempt Proceedings may be initiated against him and/or appropriate costs shall be imposed on him and/or the concerned party will not be allowed to appear in any case as party in person for such period as the Court may thinks fit.

6. These Rules will not apply in the cases of applications for temporary bail, parole, furlough and *habeas corpus*.

7. Notwithstanding anything contained in these Rules, the concerned Court before which the matter lies, may, in its discretion, permit a litigant/s to appear in person and conduct the proceedings :

Provided, that the Court may, in its discretion, require the concerned litigant/s, first to appear before the Scrutiny Committee under Rule 2 or Rule 3, as the case may be.

High Court of Judicature at Bombay,
dated the 9th September 2015.

MANGESH S. PATIL,
Registrar General.

THE HIGH COURT OF JUDICATURE AT BOMBAY

NOTIFICATION

No. G/Amend/654/2015.— The Honourable the Chief Justice and Judges of this High Court have been pleased to make the following amendments in the Bombay High Court (Original Side) Rules, 1980.

1. *Short title and commencement.*— (1) These rules shall be called “**Rules for presentation and conduct of proceedings in-person by parties**”

(2) They shall come into force on the date of their publication in the *Official Gazette*.

2. *Insert the following as Chapter- LVIII-A in the “The Bombay High Court (Original Side) Rules, 1980”.—*

Norms for Presentation and Conduct of proceedings in person by parties :—

1. Whenever a party wants to appear and argue the case in person, he/she shall first file an application alongwith the proceedings, seeking permission to appear in person. The application shall indicate reasons as to why he/she cannot engage an Advocate and wants to appear and argue in person, and if he is willing to accept an Advocate, who can be appointed for him by the Court.

2. Such application as filed alongwith the proceedings shall be placed before a Committee of two Officers of the Registry, who are working on deputation from the State Judicial Service, to be nominated by the Honourable the Chief Justice. The Committee shall scrutinies the matter/proceedings filed by Party-in-person so as to ensure that the Party-in-person has complied with the requirements of the Bombay High Court (Original Side) Rules, 1980 and that the party-in-person has not made any objectionable averments/ allegations and has not used unparliamentary language in the pleadings. The Committee shall interact with the Party-in-person and give opinion by way of Office Report whether Party-in-person will be able to give necessary assistance to the Court for disposal of the matter or an Advocate may be appointed as *Amicus Curiae*.

3. In case a Party, who wishes to defend his matter/proceedings in person as respondent/opponent, the Court may direct such party to appear before the above committee and the above Committee shall ensure and certify that such person is ‘Competent’ to assist the Court in person.

4. (a) If the certificate is not issued in both the cases mentioned in Rule 2 and 3 above and the party-in-person is lawfully entitled to be referred to the High Court Legal Aid Services Committee in accordance with law, the same will be referred to the Committee for offering legal services to the concerned litigant.

(b) If the concerned litigant is not entitled under law to get assistance of Legal Aid Services Committee, he will be asked to appoint a lawyer to represent his case.

(c) In the event, it is certified that party-in-person is ‘competent’ to assist the Court in person, the party-in-person shall give an undertaking that he shall maintain decorum of the Court and shall not use or express objectionable and unparliamentary language or behavior during the course of hearing in the Court or in the Court premises or in the further pleadings.

5. If the party-in-person fails to abide by his Undertaking as above, Contempt Proceedings may be initiated against him and/or appropriate costs shall be imposed on him and/or the concerned party will not be allowed to appear in any case as party in person for such period as the Court may thinks fit.

6. These Rules will not apply in the cases of applications for temporary bail, parole, furlough and *habeas corpus*.

7. Notwithstanding anything contained in these Rules, the concerned Court before which the matter lies, may, in its discretion, permit a litigant/s to appear in person and conduct the proceedings :

Provided, that the Court may, in its discretion, require the concerned litigant/s, first to appear before the Scrutiny Committee under Rule 2 or Rule 3, as the case may be.

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MANGESH S. PATIL,
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